

1999 DRAFTING REQUEST

Bill

Received: **01/13/1999**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**

By/Representing: **Scott**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters: **nilsepe**

Subject: **Criminal Law - law enforcement
Transportation - driver licenses**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Access to department of transportation photographs

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaured</u>
/1	olsenje 02/24/1999	ygeller 02/24/1999	martykr 02/25/1999	_____	lrb_docadmin 02/25/1999	lrb_docadminState 02/04/2000	

FE Sent For: **03/03/1999.**

<END>

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/1	olsenje 02/24/99	j geller 02/24/99	martykr 02/25/99	_____	lrb_docadmin 02/25/99		State

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1?	olsenje	1/24 jg	km 2/6	js 2 km 2/5			

FE Sent For:

<END>

Apfen-
elf you could
draft these changes
to 1997 Wisconsin
Act 119 - Thanks.

- Scott



STATE REPRESENTATIVE
STEVE WIECKERT
WISCONSIN LEGISLATURE

SCOTT BECHER

LEGISLATIVE RESEARCHER

STATE CAPITOL
MADISON WISCONSIN 53708

9 - NORTH
1-888-534-0057

JEU
2

Wieckert, Steve

From: richard.myers@appleton.org[SMTP:richard.myers@appleton.org]
Sent: Friday, January 08, 1999 1:25 PM
To: Rep. **Wieckert**
Subject: Assist with adjustments to Wisconsin Act 119 of 1998

Steve,
in '98, this Act was passed, allowing the Dept. of Transportation to provide driver's license and identification card photos to law enforcement for specified purposes. It has been an effective tool in solving crimes since then.

One flaw in the law is that it excludes federal agencies, such as the FBI. There are many cross-jurisdictional task forces in our state, so there is very limited access for FBI agents through their peers in **local** law enforcement. However, it is a huge constraint that FBI or DEA agents can't get this info directly from our DOT.

I would request you consider initiating or supporting an amendment something to the effect of:

Section **343.237(3)** to read as follows:

"(3) the department shall provide a Wisconsin law enforcement agency [new language here] {or federal law enforcement agency} with a copy of a photograph taken of **an** applicant under x.343.14 (3) or 343.50 (4) if the department receives a written request on the Wisconsin law enforcement agency's {or federal law enforcement agency's} letterhead that contains **all** of the following:

- (a) (no change in current **language**)
- (b) the name of the person making the request and the Wisconsin **law** enforcement agency {or federal law enforcement agency} that employs the requester.
- (c) A statement signed by **a** division commander or higher **authority** within the Wisconsin law enforcement agency {or federal law enforcement agency} that the photograph is requested for any of the following purposes..... "

I could readily refer you to some top **notch** federal agency heads in our state who could provide additional documentation of the trouble the current language poses for their agency.

Please let me know if you receive this message and it makes sense as to the goal, and thanks **again for your** continued interest in keeping law enforcement in our state effective and informed.

Rick Myers,
Chief, Appleton PD



JG

1999 BILL

gen cat

- 1 **AN ACT relating to:** law enforcement agency access to photographs of
2 applicants for operators' licenses and identification cards.

Analysis by the Legislative Reference Bureau

With limited exceptions, current law requires the department of transportation (DOT) to take a photograph of all applicants for a driver's license or identification card. DOT may keep copies of the photographs for its own use but generally must keep the photographs confidential. However, DOT may release a photograph to the individual whose photograph was taken. In addition, DOT may under certain circumstances release a copy of a photograph taken on or after September 1, 1997, to a Wisconsin law enforcement agency or a law enforcement agency of a physically adjacent state. Beginning January 1, 2003, DOT may not release photographs to any person other than the subject of the photograph.

DOT may release a copy of a photograph to a Wisconsin law enforcement agency only if the agency submits a written request specifying the name of the person whose photograph is requested and stating that the photograph is requested for the purpose of investigating unlawful activity, looking for a missing person or identifying an accident victim or a deceased person. DOT may provide a copy of a photograph to a law enforcement agency of a physically adjacent state if the agency makes a written request in the same manner as a Wisconsin law enforcement agency and if the physically adjacent state provides Wisconsin law enforcement agencies with access to similar information.

If a law enforcement agency receives a copy of a photograph from DOT, the agency must keep the copy of the photograph confidential and may disclose it only

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if necessary to perform a law enforcement function. When the copy of the photograph is no longer necessary for the investigatory or identification purpose specified in its request for the copy of the photograph, the law enforcement agency must destroy any copies of the photograph in its possession.

This bill allows DOT to release a copy of a photograph to federal law enforcement agencies if the federal law enforcement agency makes a written request in the same manner as a Wisconsin law enforcement agency. A federal law enforcement agency that receives a copy of a photograph from DOT is subject to the same restrictions on the use and possession of the copy of the photograph that apply to Wisconsin law enforcement agencies and law enforcement agencies of physically adjacent states.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.237 (1) (b) of the statutes is amended to read:

343.237 (1) (b) ~~“Wisconsin~~ “Local, state or federal law enforcement agency” has ~~the meaning given in s. 175.46 (1) (f)~~ means a governmental unit of one or more persons employed ^{full time} full time by the federal government. this state or a political subdivision of this state for the purpose of preventing and detecting crime and enforcing: federal or state laws or local ordinances. employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

History: 1997 a. 119, 237

SECTION 2. 343.237 (3) (intro.) of the statutes is amended to read:

343.237 (3) (intro.) The department shall provide a ~~Wisconsin~~ local, state or federal law enforcement agency with a copy of a photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3) or 343.50 (4) if the department receives a written request on the ~~Wisconsin~~ local, state or federal law enforcement agency’s letterhead that contains all of the following:

History: 1997 a. 119, 237.

SECTION 3. 343.237 (3) (b) of the statutes is amended to read:

BILL

1 343.237 (3) (b) The name of the person making the request and the TAG
2 local, state or federal law enforcement agency that employs the requester.

3 History: 1997 a. 119,237

SECTION 4. 343.237 (3) (c) (intro.) of the statutes is amended to read:

4 343.237 (3) (c) (intro.) A statement signed by a division commander or higher
5 authority within the ~~Wisconsin~~ local, state or federal law enforcement agency that
6 the photograph is requested for any of the following purposes:

7 History: 1997 a. 119,237.

SECTION 5. 343.237 (4) (intro.) of the statutes is amended to read:

8 343.237 (4) (intro.) If a law enforcement agency of a physically adjacent state
9 makes a request meeting all the requirements specified for a request by a TAG
10 local, state or federal law enforcement agency under sub. (3), the department shall
11 comply with the request if all of the following apply:

12 History: 1997 a. 119,237.

SECTION 6. 343.237 (4) (b) of the statutes is amended to read:

13 343.237 (4) (b) The physically adjacent state allows a Wisconsin law
14 enforcement ~~agencies~~ agency, as defined in s. 175.46 (1) (f), similar or greater access
15 to similar information from that physically adjacent state.

16 History: 1997 a 119,237

SECTION 7. 343.237 (7) of the statutes is amended to read:

17 343.237 (7) The department may not charge a fee for providing a copy of any
18 photograph under this section to a Wisconsin law enforcement agency, as defined in

19 s. 175.46 (1) (f) ^{MOVE} under this section.

20 History: 1997 a 119,237.

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/25/99

To: Representative Wieckert

Relating to LRB drafting number: LRB-1743

Topic

Access to department of transportation photographs

Subject(s)

Criminal Law - law enforcement, Transportation - driver licenses

1. **JACKET** the draft for introduction _____

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies,

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906

Smith, Irma

From: Becher, Scott
Sent: Friday, February 04, 2000 9:12 AM
To: Smith, Irma
Subject: FW: -1743 per your request

Jacket for Assembly

Representative Wieckert would like this bill striped. If you have questions, please contact me.

-----Original Message-----

From: -Williams, Landon
Sent: Thursday, February 03, 2000 5:05 PM
To: Becher, Scott
Subject: -1743 per your request



99-1743/1

Landon T. Williams
Legislative Program Assistant
Legislative Reference Bureau
100 N. Hamilton
(608) 266-3561
landon.williams@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION:
REFERENCE SECTION.
FAX

(606) 266-3561
(606) 266-0341
(606) 266-5648

LRB
Z

STEPHEN R. MILLER
CHIEF

March 12, 1999

MEMORANDUM

To: Representative Wieckert

From: Jefren E. Olsen, Legislative Attorney, (608) 2664906

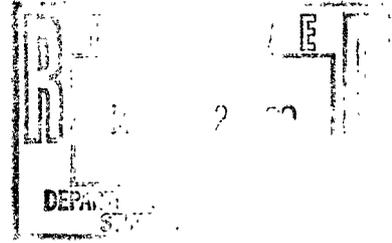
Subject: Technical Memorandum to **1999 (Un-Introduced)** (LRB 99-1743/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: 3/9/99 File Ref:
To: Legislative Reference Bureau
From: James Theil
General Counsel, Department of Transportation
Subject: Technical Note for LRB ~~1736~~ 1743/1



As it is currently drafted, LRB 1743 defines state, local or federal law enforcement agencies and includes "employed full time" in the definition in section 1, line 4. This will exclude officers for smaller, local law enforcement agencies and in some cases, entire agencies from the ability to access these photos. In some cases even the police chief is part time. We suggest eliminating the "full time" language in this section.

*ok. I agree needs change,
J Theil*

Agency/Prepared by: (Name & Phone No.)

Authorized Signature

